

Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<i>In re Terrorist Attacks on September 11, 2001</i>	03 MDL 1570 (GBD) (SN) ECF Case
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*This document relates to: Federal Insurance Co., et al v. al Qaida, et al.,
03-CV-06978 (GBD) (SN)*

**DECLARATION OF J. SCOTT TARBUTTON PURSUANT TO THE
COURT’S APRIL 6, 2022 ORDER AND INSTRUCTIONS TO THE
FEDERAL INSURANCE PLAINTIFFS (ECF NO. 7833)**

I, J. Scott Tarbutton, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury, that the following is true and correct to the best of my knowledge and belief:

1. I am an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a member of the law firm Cozen O’Connor. I submit this Declaration pursuant to the Court’s April 6, 2022 Order entering partial final judgment pursuant to Fed. R. Civ. P. 54(b) against defendant the Taliban and in favor of the *Federal Insurance* Plaintiffs, awarding prejudgment interest at the rate of 4.96 percent, compounded annually, lifting the stay imposed by Federal Rule of Civil Procedure 62(a) so that the *Federal Insurance* Plaintiffs may execute on and enforce the judgment immediately, and directing the Clerk of the Court to enter final judgment (ECF No. 7833).

2. Attached hereto as Exhibit 1 is a true and correct copy of the April 6, 2022 Order at ECF No. 7833.

3. Contemporaneous with the Court’s award of prejudgment interest at the rate of 4.96 percent, compounded annually, the Court’s Order instructs the *Federal Insurance* Plaintiffs to file a document calculating the prejudgment interest to aid the Clerk of the Court in preparing the final judgment. ECF No. 7833 at p. 3.

4. For purposes of calculating the prejudgment interest relative to the \$3,117,082,655.33 compensatory damages award, I used a compound interest calculator, a true and correct copy of which is attached hereto as Exhibit 2.

5. Using the annual compounding rate of 4.96%, I calculated prejudgment interest accrued in the amount of \$5,321,558,154.65 between September 11, 2001 and April 6, 2022, the date of the Court's Order entering partial final judgment against defendant the Taliban and in favor of the *Federal Insurance* Plaintiffs. See Exhibit 2.

6. Thus, as of the date of the Court's April 6, 2022 Order at ECF No. 7833, the total amount of the *Federal Insurance* Plaintiffs' compensatory damages, including prejudgment interest on that amount, is \$8,438,640,809.98.

Executed in Philadelphia, PA on April 7, 2022.



J. Scott Tarbutton, Esq.

Exhibit 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:	
IN RE:	:	
	:	
	:	<u>ORDER</u>
TERRORIST ATTACKS ON	:	
SEPTEMBER 11, 2001	:	03 MDL 1570 (GBD) (SN)
-----	X	

GEORGE B. DANIELS, United States District Judge:

This document relates to:

Fed. Ins. Co. v. al Qaida, Case No. 03-cv-06978

Certain plaintiffs in *Fed. Ins. Co. v. al Qaida*, No. 03-cv-06978 (the “*Federal Insurance Plaintiffs*”) move for a partial final default judgment against the Taliban under Federal Rule of Civil Procedure 54(b). (Case No. 03-md-1570, ECF No. 7496.) This Motion is GRANTED.

A default judgment against the Taliban and others, including Al Qaeda and Hezbollah, was entered in favor of the *Federal Insurance Plaintiffs* on April 7, 2006. (Case No. 03-md-1570, ECF No. 1755.) The *Federal Insurance Plaintiffs*’ total damages against Al Qaeda were assessed at \$9,351,247,965.99. (Case No. 03-md-1570, ECF Nos. 2479, 2502.) This assessment was later extended against Hezbollah. (Case No. 03-md-1570, ECF No. 2582.)

Several Plaintiffs in the multi-district litigation have used judgments against the Taliban in an attempt to attach assets of Da Afghanistan Bank held in the Federal Reserve Bank of New York. (See Writ of Execution, *Havlish, et al. v. Iran, et al.*, Case No. 03-cv-9848, ECF No. 526-1.) Parties in other cases have sought prejudgment attachments of these assets as well. (See e.g., *Owens v. Taliban, et al.*, Case No. 22-cv-1949, ECF Nos. 32, 33.)

There are more than a dozen motions for default judgment against the Taliban pending in the multi-district litigation. The *Federal Insurance Plaintiffs*’ motion is the most procedurally

advanced. Liability and damages have already been determined as to Al Qaeda and Hezbollah. It is appropriate to extend these prior liability and damages determinations to the Taliban.

The Court will continue to adjudicate pending default judgment motions as efficiently as possible. The Court encourages all plaintiffs to continue to meet and propose strategies for an efficient and fair process to adjudicate pending default judgment motions.

Accordingly, for the reasons set forth in the Court's Order at Case No. 03-md-1570, ECF No. 2502, adopting the Report and Recommendation at Case No. 03-md-1570, ECF No. 2479, partial final default judgment under Federal Rule of Civil Procedure 54(b) is entered against the Taliban and in favor of the *Federal Insurance* Plaintiffs in the following amounts:


Plaintiff	Compensatory Damages	Trebled Award
Vigilant Insurance Company	\$42,305,933.24	\$126,917,799.72
Chubb Custom Insurance Company	\$612,585.00	\$1,837,755.00
Chubb Indemnity Insurance Company	\$4,083,878.20	\$12,251,634.60
Federal Insurance Company	\$1,513,667,597.39	\$4,541,002,792.17
Chubb Insurance Company of New Jersey	\$412,681.71	\$1,238,045.13
Chubb Insurance Company of Canada	\$50,452,395.71	\$151,357,187.13
Pacific Indemnity Company	\$9,936,536.66	\$29,809,609.98
Great Northern Insurance Company	\$595,997,113.79	\$1,787,991,341.37
AXA Art Insurance Group	\$14,287,543.00	\$42,862,629.00
AXA Global Risk (UK) Ltd.	\$10,986,623.57	\$32,959,870.71
AXA CSA UK Branch	\$64,779,883.00	\$194,339,649.00
AXA Insurance Company	\$131,696,044.96	\$395,088,134.88
AXA Reinsurance Company	\$82,714,778.00	\$248,144,334.00
AXA RE	\$105,790,023.00	\$317,370,069.00
AXA RE Canadian Branch	\$26,138,407.11	\$78,415,221.33
AXA RE UK Plc	\$18,162,701.70	\$54,488,105.10
AXA Vericherung	\$923,053.00	\$2,769,159.00
SPS RE	\$84,305,160.00	\$252,915,480.00
American Alternative Insurance Co.	\$3,922,782.07	\$11,768,346.21
Princeton Excess and Supply Lines Insurance Company	\$3,796,292.50	\$11,388,877.50
Great Lakes UK Reinsurance Company	\$99,511,427.02	\$298,534,281.06
OneBeacon	\$176,514,985.40	\$529,544,956.20

TIG	\$76,084,229.30	\$228,252,687.90
Total Award	\$3,117,082,655.33	\$9,351,247,965.99

The *Federal Insurance* Plaintiffs are also awarded prejudgment interest at the rate of 4.96 percent, compounded annually. Pursuant to Federal Rule of Civil Procedure 62(a), the stay normally imposed under that Rule is lifted. The *Federal Insurance* Plaintiffs may execute on and enforce the judgment immediately. The Clerk of the Court is respectfully directed to prepare and enter a final judgment. To aid this preparation, the *Federal Insurance* Plaintiffs shall file a document calculating the prejudgment interest at their earliest convenience.





Dated: April 6, 2022
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge

Exhibit 2

Starting Amount (PV)?:	<input type="text" value="\$3,117,082,655.33"/>
Annual Interest Rate?:	<input type="text" value="4.9600%"/>
Days (-9,999 < # < 47,482)?:	<input type="text" value="7,512"/>
Start Date (year > 1969)?:	<input type="text" value="09/11/2001"/> 
End Date (year < 2100)?:	<input type="text" value="04/06/2022"/> 
Compounding?:	<input type="text" value="Annually"/> 
Days In Year?:	<input type="text" value="365"/> 
<hr/>	
Interest Earned:	<input type="text" value="\$5,321,558,154.65"/>
Future Value (FV):	<input type="text" value="\$8,438,640,809.98"/>
Annual Percentage Yield (APY):	<input type="text" value="4.9581%"/>
Daily Interest Rate:	<input type="text" value="0.0136%"/>